IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO

ADRIAN CAMPOS, INDIVIDUALLY,	§
AND ANF OF AC AND JC, MINORS,	§
ESMERALDA A. CAMPOS, RICARDO	§
GONZALEZ, JR AND ASHLEY CAMPOS	§
PLAINTIFF	§
	§
	§
VS	§ CIVIL ACTION NO. 5:20-cv-00958
	<u></u>
	§
	§
PARKER ABLAN	§
DEFENDANT	§ JURY DEMANDED

DEFENDANT'S NOTICE OF REMOVAL

Defendant, PARKER ABLAN files this notice of removal under 28 U.S.C. §1446(a).

A. INTRODUCTION

- 1. Plaintiffs are ADRIAN CAMPOS, INDIVIDUALLY, AND ANF OF AC AND JC, MINORS, ESMERALDA A. CAMPOS, RICARDO GONZALEZ, JR AND ASHLEY CAMPOS and the Defendant is PARKER ABLAN.
- 2. On July 20, 2020, Plaintiffs sued Defendant in the 224TH Judicial District Court of Bexar County, Texas, alleging Defendant's negligence caused an automobile accident which occurred in the park lot of Six Flags Fiesta Texas.
- 3. Defendant was served with the lawsuit on July 20, 2020. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b), as the deadline falls on Wednesday, August 19, 2020.
- 4. Removal is proper because there is complete diversity of citizenship between the parties. 28 U.S.C. §1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiffs are citizen of the State of Texas, according to their allegations in the

Plaintiffs' Original Petition. Defendant is a citizen of the State of North Carolina. Specifically, his permanent residence is 205 Stoneybrook Drive, Swansboro, North Carolina 28584. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs (See Paragraph I of Plaintiffs' Original Petition where they are seeking damages in excess of \$1,000,000). 28 U.S.C. §1332(a).

- 5. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a) see **Exhibit "A"**.
- 6. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. JURY DEMAND

7. Plaintiff did demand a jury in the state court suit.

D. CONCLUSION

8. There is complete diversity between the parties, and Defendant is a citizen of a state other than Texas. Additionally, the amount in controversy exceeds \$75,000. For these reasons, Defendant asks the Court to remove the suit to the United States District Court for the Western District of Texas, San Antonio Division.

Respectfully submitted,

LAW OFFICES OF BRAD A. ALLEN 200 Concord Plaza Drive, Suite 650 San Antonio, Texas 78216

Telephone: (210) 829-5566 Toll Free: (800) 699-6918 Facsimile: (210) 824-4992

BY:/s/ ERIC FREEMYER

ERIC T. FREEMYER
State Bar No. 24025369
BILL D. BLANTON
State Bar No. 02459030
BILLY.BLANTON@USAA.COM
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this instrument has been forwarded, in accordance with the Texas Rules of Civil Procedure, to:

Ms. Negin Roberts
BEGUM LAW GROUP
5826 IH 10 West
San Antonio, Texas 78201
SALegal@begumlawgroup.com
on this the ^{14th} day of August 2020.

/s/ ERIC FREEMYER ERIC T. FREEMYER

CERTICATE OF CONFERENCE

Pursuant to Local Rule 7.1(a)(3)(B), I hereby certify that counsel for the movant has made reasonable efforts to confer with all parties who may be affected by the relief sought in this Notice of Removal but has been unable to do so. The reasonable efforts made were specifically by email to Plaintiff counsel.

/s/ ERIC FREEMYER ERIC T. FREEMYER